UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,813	02/29/2000	Thomas Hanebrink	473-009270-US(PAR)	1352

7590 03/09/2004

Perman & Green LLP
425 Post Rd
Fairfield, CT 06430

EXAMINER	
HERNANDEZ, OLGA	

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/515,813	HANEBRINK, THOMAS	
	Examiner	Art Unit	
	Olga Hernandez	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 December 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-13 and 26-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-7,9-13,37 and 39* is/are allowed.

6)☒ Claim(s) *26-36,38,39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

Claims 1-7, 9-13, 37, 39 are allowed.

Claim Objections

Claim 38 objected to because of the following informalities: depends on itself. Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 26-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumizawa (6,185,503) in view of Sumner (5,173,691).

Sumizawa teaches a navigation system reports on a traffic control point and a traffic jam location by voice on a route, various types of traffic information are received by an FM multiplex receiver. If the received traffic information set, the distance from the current position to the tail end of the traffic jam location is calculated and is reported by voice through a speaker. A means for route setting that sets a route to a destination, a position detection device that detects a current position, a reception device that receive traffic information from outside and a reporting device which, when the traffic information received by the reception device indicates that there

are a plurality of locations which may constitute a hindrance for traveling on the route that has been set, calculates the distances from the current position detected by the detection device to the locations that may constitute a hindrance and then issues a voice report on the nearest one. The length of the traffic jam may be reported in addition to the distance to the traffic jam location. When there is a plurality of traffic jam locations or traffic control points, a voice report may be issued on all of them. Only traffic jam locations or traffic control points that are within a specific distance from the current position may be reported. Also, according to Sumizawa, traffic messages or locations are outputted based on their distances to the current position of the vehicle. *Figure 5 of Sumizawa shown the distances between the different traffic locations and the vehicle location. Based on the determined distances, traffic messages related to traffic locations are stored or classified. See "Traffic jam classification" column of figure. Figures 7-9 show similar features (limitations). According to Sumizawa, traffic locations (messages) are stored or classified based on their distances to the vehicle position. Also, it is clear that a traffic message is supplied based on its distance to the vehicle. Also, the closest traffic message to the vehicle is supplied or outputted. However, it could argue that only one distance or traffic message is supplied at one time to the driver. Sumner, on the other hand, teaches a data fusion process for an in-vehicle traffic congestion information system, wherein traffic information for a plurality of sources are gathered and collected. According to Sumner, a traffic communication system supplies traffic information or messages to a driver of a vehicle. According further, to Sumner, traffic information (messages) is gathered along with the locations (geographical coordinates) of the traffic. In addition, as set forth in column 6, congestion or traffic information is reported to the vehicle driver based on the proximity (distance) of the vehicle to the congestion*

(traffic), wherein "the nearest congestion messages are reported first". Still as described in column 13, lines 51-53, "messages may be presented in order of cell distance from the vehicle such that closer messages are received first." Thus, it would have been obvious to one of ordinary skill in the art to modify the navigation system of Sumizawa by incorporating the features from the traffic information system of Sumner because such modification, as suggested by Sumner, will provided a system will provide traffic information relevant to a vehicle travel path, thereby effectively assisting the driver in avoiding congestion (traffic).

3. Claims 26-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss et al (5,933,094) in view of Sumner (5,173,691).

Goss teaches a device for editing and outputting information for a motor vehicle, wherein there is provided a receiver for digitally coding traffic messages. According to Goss, the traffic messages are stored along with the locations of the traffic. The location of the vehicle is compared to the location of the traffic messages. There is provided a GPS for determining the positions of the vehicle. The direction of the vehicle is also determined. See column 1. the device according to Goss is such that it does not provide unnecessary traffic messages that are not relevant to the driver. Accomplishing this, the device of Goss outputs traffic messages based on distance of the present location of the vehicle and the traffic location. See column 2. also, the traffic messages are updated in accordance with predefined time periods. As further, described in columns 7 and 8, the traffic messages and locations are outputted according to some kind of priority or weight (resistance value) associated with the distances between the present location of the vehicle and the locations of the traffic. Goss does not particularly teach that the priority is distance and wherein the traffic message with the smallest distance is outputted first. *Sumner, on*

the other hand, teaches a data fusion process for an in-vehicle traffic congestion information system, wherein traffic information for a plurality of sources are gathered and collected. According to Sumner, a traffic communication system supplies traffic information or messages to a driver of a vehicle. According further, to Sumner, traffic information (messages) is gathered along with the locations (geographical coordinates) of the traffic. In addition, as set forth in column 6, congestion or traffic information is reported to the vehicle driver based on the proximity (distance) of the vehicle to the congestion (traffic), wherein "the nearest congestion messages are reported first". Still as described in column 13, lines 51-53, "messages may be presented in order of cell distance from the vehicle such that closer messages are received first." Thus, it would have been obvious to one of ordinary skill in the art to modify the navigation system of Sumizawa by incorporating the features from the traffic information system of Sumner because such modification, as suggested by Sumner, will provided a system will provide traffic information relevant to a vehicle travel path, thereby effectively assisting the driver in avoiding congestion (traffic).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

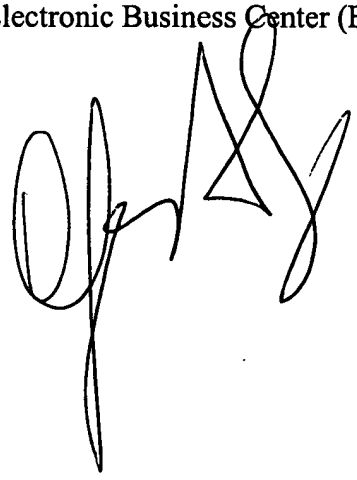
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is (703) 305-0918. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Olga Hernandez
Examiner
Art Unit 3661

WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600